

AGENDA DATE: 7/26/99

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JUL 28 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

ORIGINAL

99-154

EX PARTE OR LATE FILED

IN THE MATTER OF THE PETITION OF)	<u>TELECOMMUNICATIONS</u>
GLOBAL NAPS INC. FOR ARBITRATION OF)	
INTERCONNECTION RATES, TERMS,)	<u>DECISION AND ORDER</u>
CONDITIONS AND RELATED ARRANGEMENTS))	
WITH BELL ATLANTIC-NEW JERSEY, INC.)	
PURSUANT TO SECTION 252(b) OF THE)	
TELECOMMUNICATIONS ACT OF 1996)	DOCKET NO. T098070426

(SERVICE LIST ATTACHED)

BY THE BOARD:

By Decision and Order in this Docket dated July 12, 1999 (hereinafter, Decision and Order), the Board of Public Utilities (Board) took final action on the arbitration of the interconnection agreement between Global NAPS, Inc. (GNI) and Bell Atlantic-New Jersey, Inc. (BA-NJ), and resolved all unresolved issues that were presented by the parties to and decided by the arbitrator. In the Decision and Order, the Board directed the parties to submit to the Board for its approval a fully executed interconnection agreement reflecting the decisions set forth in the Decision and Order within five (5) business days of the date of that Order. By letter dated July 19, 1999, and expressly pursuant to the Board's July 12, 1999 Decision and Order, BA-NJ filed an interconnection agreement executed by both GNI and BA-NJ to become effective as of July 26, 1999 (hereinafter, the Agreement). In its cover letter to the Board, BA-NJ noted that the Agreement was entered into by the parties "without prejudice to any position taken by the parties in the negotiation of the Agreement or otherwise."

The Board now determines that the Agreement, filed on July 19, 1999, complies with our July 12, 1999 Decision and Order, and approves it as filed.

The Agreement

Attached to the Agreement as Appendix 1 is the interconnection agreement (including amendments) between MFS Intelenet of New Jersey, Inc. (MFS) and BA-NJ dated July 16, 1996 (revised as of July 29, 1997) which GNI has desired to adopt by virtue of its rights

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under the "most favored nations" (MFN) provisions of section 252(i) of the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56, codified in scattered sections of 47 U.S.C. §§151 *et seq.* (hereinafter, the Act). Attached to the Agreement as Appendix 2 is a revised Section 7.4 related to 911/E911 arrangements, and reflecting the fact that, in New Jersey, this State owns and controls some 911/E911 functions, services and/or facilities, and providing for cooperation by BA-NJ in assisting GNI to secure such arrangements as are necessary for the effective provision of 911/E911 service to New Jersey customers.

Section 1.1 of the Agreement, except as modified to reflect the Board's July 12, 1999 Decision and Order, provides that Appendix 1 in its entirety is incorporated by reference into and forms an integral part of the Agreement. The modifications include, for example, Section 1.3 which provides that the effective date of the Agreement shall be July 26, 1999, and the expiration date shall be March 2, 2001. See the Decision and Order at 8. In addition, Section 1.4 of the Agreement provides that ISP-bound traffic is not subject to the payment of reciprocal compensation, and Section 1.13 provides that the rates for reciprocal compensation set forth in Exhibit A to Appendix 1 shall be the rates charged by each party for the termination of local traffic. See the Decision and Order at 11.

Section 2.0 provides clarifications to the effect that (1) the entry into, filing and performance by either party of the Agreement does not constitute a waiver of any such party's rights or remedies with regard to review, reconsideration or reversal by the Board, another administrative body or court of any determination by any of them, and that (2) BA-NJ may avail itself of any determination by any judicial or regulatory authority of competent jurisdiction which provides that BA-NJ is not required to furnish any service or item or provide any benefit to carriers. Finally, we note that additional provisions set forth appropriate changes to the MFS/BA-NJ agreement which reflect differences of a factual and non-controversial nature between the parties and circumstances to the MFS/BA-NJ agreement and the GNI/BA-NJ Agreement. These include, for example, changes to items such as names and addresses of parties for notice purposes.

Having reviewed the Agreement, including the Appendices attached thereto, the Board **HEREBY FINDS** that the Agreement comports in all material respects with its July 12, 1999 Decision and Order in this matter. Accordingly, the Board **APPROVES** the interconnection agreement between Global NAPs, Inc. and Bell Atlantic-New Jersey, Inc., as filed, and **DIRECTS** that it be made available for public inspection within ten (10) days of the date of this Order pursuant to section 252(h) of the Act.

DATED:

26 July 99

BOARD OF PUBLIC UTILITIES

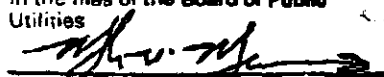
BY:


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PRESIDENT
CARMEN J. ARMENTI
COMMISSIONER
FREDERICK F. BUTLER
COMMISSIONER

ATTEST:


MARK W. MUSSER
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



**In the Matter of the Petition of Global NAPs, Inc.
For Arbitration of Interconnection Rates, Terms, Conditions
and Related Arrangements with Bell Atlantic-New Jersey, Inc.
Pursuant to Section 252(b) of the Telecommunications Act of 1996
BPU Docket No. TO98070426**

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